

BILL HISTORY FOR ASSEMBLY BILL 57 (LRB -0385)

An Act to repeal 340.01 (72m) (b); to consolidate, renumber and amend 340.01 (72m) (intro.) and (a); and to amend 343.06 (2), 343.06 (2) and 343.315 (4) of the statutes; relating to: eligibility to operate commercial motor vehicles and the transport of hazardous materials. (FE)

1999

01-21. A. Introduced by Representatives **Brandemuehl, M. Lehman, Ott, Goetsch, Kelso, Sykora, Turner, Hahn, Olsen, Albers and Ryba**; cosponsored by Senators **Breske, Darling and Farrow**.

01-21. A. Read first time and referred to committee on Transportation 35

01-21. A. Fiscal estimate received.

02-25. A. Public hearing held.

04-22. A. Executive action taken.

04-22. A. Assembly amendment 1 offered by committee on Transportation (**LRB a0265**) 162

05-06. A. Report Assembly amendment 1 adoption recommended by committee on Transportation, Ayes 15, Noes 0 166

05-06. A. Report passage as amended recommended by committee on Transportation, Ayes 15, Noes 0 .. 166

05-06. A. Referred to committee on Rules 166

05-06. A. ~~Placed on calendar 5-12-1999~~ by committee on Rules.

05-12. A. Read a second time 184

05-12. A. Assembly amendment 1 **adopted** 184

05-12. A. Ordered to a third reading 184

05-12. A. Rules suspended 184

05-12. A. Read a third time and **passed** 184

05-12. A. Ordered immediately messaged 184

05-13. S. Received from Assembly 147

05-13. S. Read first time and referred to committee on Insurance, Tourism, Transportation and Corrections 147

06-02. S. Executive action taken.

06-10. S. Report concurrence recommended by committee on Insurance, Tourism, Transportation and Corrections, Ayes 7, Noes 0 174

06-10. S. Available for scheduling.

2000

03-14. S. Read a second time 500

03-14. S. Ordered to a third reading 500

03-14. S. Rules suspended 500

03-14. S. Read a third time and **concurred in** 500

03-14. S. Ordered immediately messaged 502

03-15. A. Received from Senate concurred in.

**1999
ENROLLED BILL**

99en A B- 57

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ☐ SubAmdt

99 - 0385 3

Amendments to above (if none, write "NONE"):

AA1

Corrections - show date (if none, write "NONE"):

None

Topic

Eligibility to operate commercial
motor vehicles and the transport of hazardous
materials

3/15/00

Date

Peta / [signature]

Enrolling Drafter

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1999 ASSEMBLY BILL 57

January 21, 1999 – Introduced by Representatives BRANDEMUEHL, M. LEHMAN, OTT, GOETSCH, KELSO, SYKORA, TURNER, HAHN, OLSEN, ALBERS and RYBA, cosponsored by Senators BRESKE, DARLING and FARROW. Referred to Committee on Transportation.

- 1 **AN ACT to repeal** 340.01 (72m) (b); **to consolidate, renumber and amend**
2 340.01 (72m) (intro.) and (a); and **to amend** 343.06 (2), 343.06 (2) and 343.315
3 (4) of the statutes; **relating to:** eligibility to operate commercial motor vehicles
4 and the transport of hazardous materials.

Analysis by the Legislative Reference Bureau

Current law requires the disqualification of a person licensed to drive a commercial motor vehicle upon conviction of that person for committing certain major traffic-related offenses or for violating other requirements related to operating a commercial motor vehicle. No person may drive a commercial motor vehicle during a period of disqualification. This bill specifies that, except for 24-hour disqualifications, the period of disqualification begins on the date that the department of transportation notifies the operator of the disqualification, instead of commencing on the date of conviction for the offense giving rise to the disqualification.

The bill also changes the definition of “transporting hazardous materials” so that provisions of law applicable to transporting hazardous materials apply only to vehicles that are required to be placarded under federal law.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 340.01 (72m) of the statutes is repealed and recreated to read:

340.01 (72m) "Transporting hazardous materials" means transporting any material that is classified in 49 CFR 173.2 in a vehicle that is required to be placarded as provided in 49 CFR 172.504.

SECTION 2. 343.06 (2) of the statutes is amended to read:

343.06 (2) The department shall not issue a commercial driver license, including a renewal, occupational or reinstated license, to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction in substantial conformity therewith, as the result of one or more disqualifying offenses committed on or after July 1, 1987. Any person who is known to the department to be subject to disqualification under s. 343.315 (1) (a) shall be disqualified by the department, ~~unless the required period of disqualification has already expired as provided in s. 343.315.~~

SECTION 3. 343.06 (2) of the statutes, as affected by 1997 Wisconsin Act 84, is amended to read:

343.06 (2) The department shall not issue a commercial driver license, including a renewal, occupational or reinstated license, to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction in substantial conformity therewith, as the result of one or more disqualifying offenses committed on or after July 1, 1987. Any person who is known to the department to be subject to disqualification under s. 343.315 (1) (a) shall be

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1 disqualified by the department, ~~unless the required period of disqualification has~~
2 ~~already expired as provided in s. 343.315.~~

3 SECTION 4. 343.315 (4) of the statutes is amended to read:

4 343.315 (4) NOTIFICATION AND COMMENCEMENT. Beginning on April 1, 1992, the
5 department shall send the notice of disqualification by 1st class mail to a person's
6 last-known residence address. A period of disqualification ordered under this
7 section commences on the date on which the notice is sent under this subsection. This
8 subsection does not apply to disqualifications under sub. (2) (g).

9 SECTION 5. Initial applicability.

10 (1) COMMERCIAL DRIVERS LICENSES.

11 (a) The treatment of sections 343.06 (2) (by SECTION 2) and 343.315 (4) of the
12 statutes first applies to disqualifying offenses committed on the effective date of this
13 paragraph.

14 (b) The treatment of section 343.06 (2) (by SECTION 3) of the statutes first
15 applies to disqualifying offenses committed on the effective date of this paragraph.

16 SECTION 6. Effective dates. This act takes effect on the day after publication,
17 except as follows:

18 (1) The treatment of section 343.06 (2) (by SECTION 3) of the statutes and
19 SECTION 5 (1) (b) of this act take effect on May 1, 2000, or on the date applicable to
20 that section stated in the notice published under section 85.515 of the statutes,
21 whichever is earlier.

22 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0265/1
PEN:jlg:km

ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 57

April 22, 1999 - Offered by COMMITTEE ON TRANSPORTATION.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 2, line 1: before that line insert:

3 "SECTION 1c. 340.01 (8) (d) of the statutes is amended to read:

4 340.01 (8) (d) The vehicle is transporting hazardous materials requiring
5 placarding".

6 ✓ 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1g".

7 ✓ 3. Page 2, line 2: after "materials" insert "requiring placarding".

8 ✓ 4. Page 2, line 4: after that line insert:

9 "SECTION 1L. 343.04 (1) (c) 2. of the statutes is amended to read:

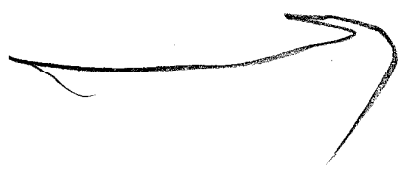
10 343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring
11 placarding.

12 SECTION 1p. 343.04 (2) (a) of the statutes is amended to read:

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1 343.16 (1) (a) *General.* The department shall examine every applicant for an
2 operator's license, including applicants for license renewal as provided in sub. (3),
3 and every applicant for authorization to operate a vehicle class or type for which the
4 applicant does not hold currently valid authorization, other than an instruction
5 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
6 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or
7 "Class M" vehicles shall include both a knowledge test and an actual demonstration
8 in the form of a driving skills test of the applicant's ability to exercise ordinary and
9 reasonable control in the operation of a representative vehicle. The department shall
10 not administer a driving skills test to a person applying for authorization to operate
11 "Class M" vehicles who has failed 2 previous such skills tests unless the person has
12 successfully completed a rider course approved by the department. The department
13 may, by rule, exempt certain persons from the rider course requirement of this
14 paragraph. The driving skills of applicants for endorsements authorizing the
15 operation of commercial motor vehicles equipped with air brakes, the transportation
16 of passengers in commercial motor vehicles or the operation of school buses, as
17 provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration
18 of driving skills. The department may endorse an applicant's commercial driver
19 license for transporting hazardous materials requiring placarding, or the operation
20 of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04
21 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering
22 the knowledge test, the department shall attempt to accommodate any special needs
23 of the applicant. Except as may be required by the department for an "H" or "S"
24 endorsement, the knowledge test is not intended to be a test for literacy or English



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[Signature]

conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver.

SECTION 3t. 343.315 (2) (b) of the statutes is amended to read:

343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course of transporting hazardous materials requiring placarding on or after July 1, 1987, the person shall be disqualified from operating a commercial motor vehicle for a 3-year period.

SECTION 3x. 343.315 (2) (i) of the statutes is amended to read:

343.315 (2) (i) If the violation listed in par. (h) occurred in the course of transporting hazardous materials requiring placarding or while operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver, the person shall be disqualified from operating a commercial motor vehicle for 180 days upon a first conviction, or for a 3-year period for a 2nd or subsequent conviction, arising from separate occurrences committed within a 10-year period while driving or operating a commercial motor vehicle. A disqualification under this paragraph shall be in addition to any penalty imposed under s. 343.44."

✓ **6.** Page 3, line 8: after that line insert:

SECTION 4m. 345.11 (2m) (b) of the statutes is amended to read:

345.11 (2m) (b) Whether the vehicle was transporting hazardous materials requiring placarding."

(END)

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